

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
IN CHARLESTON

NATIONWIDE MUTUAL INSURANCE CO.,

Plaintiff,

v.

Civil Action No. 2:09-00657

ALMOST HEAVEN RIBS, INC., et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the court is plaintiff's Renewed Motion for Default Judgment Against Defendant Famous Dave's of America, Inc. (Doc. No. 82). Upon mature consideration of the record of this case, the court finds that Defendant Famous Dave's has failed to answer or otherwise defend this action. The Clerk has duly entered default against Defendant Famous Dave's of America, Inc. (Doc. No. 80).

Accordingly, the Plaintiff's Renewed Motion for Default Judgment Against Defendant Famous Dave's of America, Inc. (Doc. No. 82) is **GRANTED** and it is **ORDERED, ADJUDGED, and DECREED** that plaintiff had no duty to defend or indemnify Defendant Famous Dave's of America, Inc. with respect to any claims made against it in the Circuit Court of Kanawha County, by Defendants Michelle Blankenship, Trina Ziegler, Diana Brandon, Tracey Billings, Destiney McCallinster, Stephanie Wagstaff, and Tara

Whittington, under any of the policies listed in plaintiff's Complaint.

If is further **ORDERED** that the Clerk shall forthwith remove this civil action from the active docket of this Court.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to all counsel of record and to the Defendant Famous Dave's of America, Inc. at their last known address.

**IT IS SO ORDERED**, this 7th day of October, 2014.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge